

STATE OF ILLINOIS)
)
COUNTY OF _____)

**ILLINOIS WORKERS' COMPENSATION COMMISSION
ARBITRATION DECISION
REGARDING A FATAL CLAIM**

Employee/Petitioner
v.

Case # _____ WC _____

Employer/Respondent

An *Application for Adjustment of Claim* was filed in this matter, and a *Notice of Hearing* was mailed to each party. The matter was heard by the Honorable _____, arbitrator of the Commission, in the city of _____, on _____. After reviewing all of the evidence presented, the arbitrator hereby makes findings on the disputed issues checked below, and attaches those findings to this document.

DISPUTED ISSUES

- A. Was the respondent operating under and subject to the Illinois Workers' Compensation or Occupational Diseases Act?
- B. Was there an employee-employer relationship?
- C. Did an accident occur that arose out of and in the course of the decedent's employment by the respondent?
- D. What was the date of the accident?
- E. Was timely notice of the accident given to the respondent?
- F. What were the decedent's earnings?
- G. What was the decedent's age at the time of the accident?
- H. What was the decedent's marital status at the time of the accident?
- I. Who was dependent on the decedent at the time of death?
- J. Were the medical services that were provided to the decedent reasonable and necessary?
- K. What amount of compensation is due for temporary total disability?
- L. Should penalties or fees be imposed upon the respondent?
- M. Is the respondent due any credit?
- N. Other _____

FINDINGS

- The arbitrator's findings of facts and conclusions of law on each disputed issue are attached.
- On _____, the respondent _____ operating under and subject to the provisions of the Act.
- On this date, an employee-employer relationship _____ exist between the decedent and respondent.
- On this date, the decedent _____ sustain accidental injuries that arose out of and in the course of employment.
- Timely notice of this accident _____ given to the respondent.

- In the year preceding the injury, the decedent earned \$ _____ , and the average weekly wage was \$ _____ .
- At the time of injury, the decedent was _____ years of age, _____ with _____ children under 18.
- Necessary medical services _____ been provided by the respondent.
- To date, \$ _____ has been paid by the respondent for death, TTD, and/or maintenance benefits.
- The arbitrator finds that the decedent died on _____ , leaving _____ survivor(s), as provided in Section 7(a) of the Act, including _____ *child(ren)* _____ *surviving spouse* _____ *other* (list) _____ .

ORDER

- The respondent shall pay the sum of \$ _____ /week to the surviving spouse on his or her own behalf and on behalf of the children named herein, until \$250,000 has been paid or until 20 years have passed, whichever is greater.
- The respondent shall pay the sum of \$ _____ /week to the natural parent and guardian of _____ , minor child(ren) of the decedent; these payments shall be used solely for the child(ren)'s care, education, and maintenance .
- The respondent shall pay \$ _____ /week to _____ .
- To date, \$ _____ has been paid for death, TTD, and/or maintenance benefits.
- The respondent shall pay compensation that has accrued from _____ through _____ , and shall pay the remainder of the award, if any, in weekly payments.
- The respondent shall pay \$ _____ in penalties, as provided in Section 19(k) of the Act.
- The respondent shall pay \$ _____ in penalties, as provided in Section 19(l) of the Act.
- The respondent shall pay \$ _____ in penalties, as provided in Section _____ of the Act.
- _____ shall pay the sum of \$ _____ to _____ for legal services provided to _____ .
- If the surviving spouse dies before \$250,000 or 20 years of weekly benefits, whichever is greater, have been paid, and the children herein named still survive, these payments shall continue until the youngest child reaches 18 years of age; however, if such child is enrolled as a full-time student in an accredited educational institution, payments shall continue until the child reaches 25 years of age. If any child is physically or mentally incapacitated, payments shall continue for the duration of the incapacity. If no children named herein are alive upon the death of the surviving spouse, payments shall cease.
- If the surviving spouse remarries, and no children named herein survive, the respondent shall pay the surviving spouse a lump sum equal to two years of compensation benefits; all further rights of the surviving spouse shall be extinguished.
- Payments to any eligible child under 18 years of age shall continue for not less than six years.
- The respondent shall pay \$4,200 for burial expenses to the surviving spouse or the person incurring the burial expenses.

RULES REGARDING APPEALS Unless a party files a *Petition for Review* within 30 days after receipt of this decision, and perfects a review in accordance with the Act and Rules, then this decision shall be entered as the decision of the Commission.

STATEMENT OF INTEREST RATE If the Commission reviews this award, interest of _____ % shall accrue from the date listed below to the day before the date of payment; however, if an employee's appeal results in either no change or a decrease in this award, interest shall not accrue.

Signature of arbitrator

Date